Remarks:

Applicants appreciate the thorough Office Action prepared by the Examiner.

Claims 1 - 6 and 8 were rejected under 35 U.S.C. § 102(b) as anticipated by Doran. Doran shows a pair of panels that are held in spaced apart parallel relation by one or more wire ties which as seen best in Fig. 3 comprises two vertical rods somewhat shorter in height than the two panels and two horizontal rods which are initially passed through vertically-oriented wooden strips on the exterior surface of the two panels and then are bent to a right angle so as to be flush with the outer surface of each of the wooden strips 42. (Col. 3, ll. 43-47) As the Examiner points out, the points of intersection between the horizontal members 34 and the vertical rods 40 are "[s]ecurely fixed, as by welding, ..." (Col. 3, ll. 29-30)

Claim 1 as originally submitted, with respect to defining the ties, states: "at least two ties interconnecting the first panel and the second panel". This limitation is met by the Doran reference.

Applicant has now amended Claim 1 so as to add additional limitations that are not disclosed in the Doran prior art reference. First, it is recited that the ties comprise "at least three vertical and at least three horizontal wires" which is obviously not shown in Doran. The clear benefit of the use of additional wires is to provide greater structural strength and stability of the tie. Second, the claim now recites that the vertical and horizontal wires are attached at each intersection so as to form a grid. To the extent that it could be argued that the two vertical and two horizontal wires of Doran show a "grid" it is clearly not a grid as formed by at least three horizontal and three vertical wires. Third, the claim recites that there are "metal strips welded to the horizontal wires adjacent the opposite ends and arranged perpendicular to the grid plane. . . ." This structure distinguishes the Doran disclosure in several respects. First,

Doran does not use "metal" strips but recites that the vertical members which cooperate with the horizontal ties are "wooden". (Col. 3, l. 44) Moreover, as obvious from the fact that the strips in Doran are wood whereas the rods 34 are metal, they cannot be "welded" to one another as recited in the amended claim. Finally, the claim recites that the metal strips are "embedded within the panel" rather than on the exterior surface of the panel as clearly shown in Doran.

There are a number of advantages to applicant's construction. First, by using wires rather than rods, which are presumably smaller in diameter, there is less resistance to the pouring of concrete and possibly creating a void within the concrete wall after it sets. To achieve sufficient stability, rather than increase the diameter of the wires, applicant has used multiple wires so as to create a grid, such that with proper attachment between the horizontal and vertical wires, a rigid structure is created as required to resist the load when concrete is poured into the form. Secondly, metal is used in place of wood because modern construction techniques permit the use of metal with drywall screws, self-tapping screws, or sheet-metal screws. (Page 13, l. 25) Metal has greater strength than wood in this particular application and has the advantage of resistance to termites as well as degradation of the wood in the event that moisture should become trapped between the flat panel and the concrete wall after the wall has been completed. Third, a more stable form is provided by welding the metal strips or studs to the horizontal wires fixing the two components together. Prior to introduction of concrete, the forms must be assembled into a wall with the panels prevented from moving toward one another during assembly. In the Doran reference where the wires are simply bent after passing through the openings in the wood strips, only an internal load forcing the two panels apart is effective to create and maintain the wall thickness. There is nothing to prevent the panel from

being forced toward one another other than the vertical rods 40. While that may suffice in Doran, the smaller wire construction utilized in applicant's invention for the reasons set forth above would not provide sufficient rigidity to pre-pour forces that push the two panels toward one another. Third, unlike the wooden strips on the surface of the Doran panels, the wire strips are embedded within the panels. (Page 13, ll. 20-23; Page 16, ll. 4-6) The purpose of embedding the metal strips is that it "simplifies the application of synthetic stuccos and other bonded surface coatings." (Page 16, ll. 6-7)

Having clearly shown the structural and functional distinctions between the prior art Doran patent and amended Claim 1, it is respectfully submitted that amended claim 1 is patentable and the same is requested. Given the patentablity of Claim 1, the dependent Claims 2-6 and 8 are also patentable. The remaining claims have been objected to in the prior office action as depending from a rejected independent claim, that is, Claim 1. In view of the amendment of Claim 1 and the arguments above, Claim 1 is allowable and therefore Claims 2 - 6 and 8 are allowable. Applicants note the Examiner's oversight that Claim 10 is an independent claim and is not dependent on Claim 1.

For these reasons, and in light of the amendments, it is respectfully requested that the Examiner allow each of the claims now at issue.

Dated this 22nd day of May, 2006.

Respectfully submitted,

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